

Daniels v New York City Tr. Auth.
2021 NY Slip Op 30726(U)
March 9, 2021
Supreme Court, New York County
Docket Number: 154454/2017
Judge: Suzanne J. Adams
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SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

PRESENT: HON. SUZANNE J. ADAMS PART IAS MOTION 21

Justice

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INDEX NO. 154454/2017

NASHIMA DANIELS, MOHAMED SANOH,

MOTION DATE N/A

Plaintiff,

MOTION SEQ. NO. 005

- v -

NEW YORK CITY TRANSIT AUTHORITY, MTA, MTA BUS COMPANY, MATTHEW BROWN,

DECISION + ORDER ON MOTION

Defendant.

-----X

NEW YORK CITY TRANSIT AUTHORITY, MTA, MTA BUS COMPANY, MATHEW BROWN

Third-Party Index No. 595540/2018

Plaintiff,

-against-

HIGHLINE SERVICES, LLC

Defendant.

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The following e-filed documents, listed by NYSCEF document number (Motion 005) 60, 61 were read on this motion to/for EXTEND - TIME

Upon the foregoing documents, it is ordered that plaintiff Nashima Daniels' motion to extend the time to comply with the prior order of this court dated July 18, 2019, is granted. Plaintiff previously moved to amend her summons and complaint to implead third-party defendants Highline Services, LLC, and Mohamed Sanoh as direct defendants. In granting said motion, this court's July 18, 2019, order also directed plaintiff Nashima Daniels to take certain steps to effect the separation of the actions of plaintiff Nashima Daniels and plaintiff Mohamed Sanoh, which were previously consolidated. These steps were never taken. Accordingly, it is hereby

ORDERED that plaintiff Nashima Daniels’ motion is granted and that the two actions consolidated by this court’s order dated November 8, 2018, are hereby separated and reassigned their prior index numbers of 154454/2017 and 450545/2018; and it is further

ORDERED that the caption under Index No. 154454/2017 shall now read:

NASHIMA DANIELS,

Index. No. 154454/2017

Plaintiff,

-against-

NEW YORK CITY TRANSIT AUTHORITY
and MATTHEW BROWN,

Defendants.

NEW YORK CITY TRANSIT AUTHORITY,

Third-Party Plaintiff,

-against-

HIGHLINE SERVICES LLC and MOHAMED
SANOH,

Third-Party Defendants.

and it is further

ORDERED that Index No. 450545/2018 is hereby restored and the caption under Index No. 450545/2018 shall now read:

MOHAMED SANOH,

Index. No. 450545/2018

Plaintiff,

-against-

NYCTA, MTA, MTA BUS COMPANY and
MATTHEW BROWN,

Defendants.

NEW YORK CITY TRANSIT AUTHORITY,

Third-Party Plaintiff,

-against-

HIGHLINE SERVICES LLC,

Third-Party Defendant.

and it is further

ORDERED that said actions bearing Index Nos. 154454/2017 and 450545/2018 shall be
joined for discovery and trial; and it is further

ORDERED that the pleadings in the formerly consolidated action shall stand as the pleadings
in the now separated actions, with each action maintaining separate pleadings and captions,
and each action will file separate certificates of readiness and notes of issue; and it is further

ORDERED that within 30 days from entry of this order, movant shall serve a copy of this
Order with Notice of Entry on the clerk of the Court (60 Centre Street, Room 141B), who shall
separate the actions and note that they are joined for discovery and trial, and it is further

ORDERED that movant shall contact the staff of the Clerk of the Court to arrange for the
effectuation of the undoing of the prior consolidation and the new joinder of the matters for discovery
and trial; and it is further

ORDERED that service of this order upon the Clerk of the Court shall be made in accordance
with the procedures set forth in the *Protocol on Courthouse and County Clerk Procedures for*

Electronically Filed Cases (accessible at the "E-Filing" page on the court's website at the address www.nycourts.gov/supctmanh); and it is further

ORDERED that as applicable and insofar as is practical, the Clerk of this Court shall separate the documents from the formerly consolidated action into two separate actions under the appropriate index numbers as noted above in the NYSCEF System or make appropriate notations of such documents in the e-filing records of the court so as to ensure access to the documents in the separated actions now joined for discovery and trial; and it is further

ORDERED that within 30 days from entry of this order, movant shall serve a copy of this Order with Notice of Entry on the Clerk of the General Clerk's Office (60 Centre Street, Room 119), who is hereby directed to reflect the new status of the actions by appropriately marking the Court's records; and it is further

ORDERED that within 30 days from service of notice of entry of this Order, plaintiff Naomi Daniels shall e-file the proposed amended summons and complaint in the action under Index No. 154454/2017; and it is further

ORDERED that such e-filing shall constitute service upon the proposed direct defendants Highline Services, LLC, and Mohamed Sanoh; and it is further

ORDERED that plaintiff Nashima Daniels shall file a note of issue and certificate of readiness on or before September 10, 2021.

This constitutes the decision and order of the court.

3/9/2021
DATE


SUZANNE J. ADAMS, J.S.C.

CHECK ONE:	<input type="checkbox"/>	CASE DISPOSED	<input checked="" type="checkbox"/>	NON-FINAL DISPOSITION	<input type="checkbox"/>	OTHER
	<input checked="" type="checkbox"/>	GRANTED	<input type="checkbox"/>	DENIED	<input type="checkbox"/>	GRANTED IN PART
APPLICATION:	<input type="checkbox"/>	SETTLE ORDER	<input type="checkbox"/>	SUBMIT ORDER	<input type="checkbox"/>	REFERENCE
CHECK IF APPROPRIATE:	<input type="checkbox"/>	INCLUDES TRANSFER/REASSIGN	<input type="checkbox"/>	FIDUCIARY APPOINTMENT	<input type="checkbox"/>	